



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश शासन द्वारा प्रकाशित

शिमला, मंगलवार, 17 अग्रेल, 1962/27 चेत्र, 1884

HIMACHAL PRADESH ADMINISTRATION

LOCAL SELF GOVERNMENT DEPARTMENT

NOTIFICATION

Simla-4, the 23rd February, 1962

No. LSG. 18-36/59.—The Government of India, Ministry of Home Affairs, Notification No. F. 26/32/59-SR (R), dated the 14th February, 1962, published in the Gazette of India, Part II, section 3 (i), dated the 17th February, 1962, is hereby republished for general information.

By order,
K. B. SRIVASTAVA,
Secretary.

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 14th February, 1962

No. G.S.R.—In exercise of the powers conferred by section 54 read with section 56 of the Territorial Councils Act, 1956 (103 of 1956), the Central Government hereby makes the following rules, to amend the Territorial Councils Rules, 1957, the same having been previously published as required by sub-section (1) of section 54 of the said Act, namely:—

THE TERRITORIAL COUNCILS (AMENDMENT) RULES, 1962

1. These rules may be called the Territorial Councils (Amendment) Rules, 1962.

2. For rule 58 of the said rules, the following rule shall be substituted, namely:—

“58. **Provident Fund.**—(1) The Council shall by a resolution establish and maintain—

(a) a general provident fund, and

(b) a contributory provident fund,

and frame regulations for the administration of these funds after obtaining the approval of the Administrator therefor.

(2) Every officer or employee, other than officers on deputation from the Government and officers employed on contract basis, who is in service immediately before the commencement of the Territorial Councils (Amendment) Rules, 1962 and who has rendered at least one year's continuous service under the Council, shall have the option to join either of the two funds provided that no officer or employee who has opted for pensionary benefits under the Council shall be permitted to subscribe to the contributory provident fund. Any person employed after the commencement of the said rules may join only the general provident fund.

(3) All persons employed on contract basis under the Council and such other officers and employees mentioned in sub-rule (2) who express, in writing, before the date to be specified by the Council in this behalf, their desire to join the contributory provident fund, shall contribute at the rate of eight naye paisa in each rupee of his pay. The Council shall contribute to the contributory provident fund of each subscriber an amount equal to the amount of his subscription:

Provided that if the subscriber who is required or permitted to subscribe to the contributory provident fund resigns within five years of the commencement of his service except on account of illness or any other cause which the Council may determine to be a sufficient cause, or has been dismissed from the service of the Council, the Council may deduct from the sum standing to his credit in the provident fund the whole or any part of the contributions made by it to his provident fund and the interest thereon.

(4) Every subscription to the general provident fund or the contributory provident fund shall be recovered by means of a deduction of the amount of such subscription from each pay bill of the subscriber:

Provided that in calculating the deduction to be so made, fractions of a rupee of pay shall be disregarded.”

3. In rule 59 of the said rules, after the word “subscriber” in the opening para. of sub-rule (a), the words “to the contributory provident fund” shall be inserted.

4. For rule 61 of the said rules, the following rule shall be substituted, namely:—

“61. **General Cash Book.**—(1) All moneys received or spent by or on behalf of the Council shall, without any reservation, be brought to account in the General Cash Book to be maintained in the prescribed form under the direct supervision of the Chief Executive Officer, or any officer authorised by him in this behalf.

- (2) The General Cash Book shall each day be checked, item by item closed, balanced and signed by an officer authorised by the Chief Executive Officer. At the end of each month, entries made in the General Cash Book shall be compared with those shown in the statement of receipts and payments as furnished by the Treasury Officer, and discrepancies, if any, fully explained and reconciled."

5. Rule 69 of the said rules shall be renumbered as sub-rule (1) of that rule and

- (a) in sub-rule (1) as so renumbered, (i) the words "on that day" shall be inserted between the words "closed" and "on the first" and (ii) the word "headquarters" shall be inserted between the words "at the" and the words "office of the Council".

- (b) after sub-rule (1) as so renumbered, the following sub-rule shall be inserted, namely:—

"(2) (i) When money is received from the public or otherwise for being credited into the Council fund, elsewhere than at the headquarters office of the Council, by an officer authorised by the Council to send such receipts direct to the treasury or sub-treasury, a receipt in the prescribed form shall be issued by him to the payer. Money so received shall be remitted by the officer to the nearest treasury or sub-treasury in the prescribed form in triplicate, at the end of each day or at such convenient intervals as may be prescribed by the Chairman. The particulars of each such transaction shall be entered in the cash book maintained by the officer and when the duplicate foil of the prescribed form is received from the treasury or sub-treasury, the entries in the cash book shall be checked with such foils and initialled by the officer concerned and the foils shall be used as a voucher for the remittance and shall be filed in the guard file.

- (ii) At places where arrangement for receipt of payments from public do not exist, money payable to the credit of the Council fund shall be paid at the nearest Treasury or Sub-Treasury by the payer in the prescribed form in triplicate.

- (iii) The Treasury Officer shall keep one copy of the Challan for his record, return the second copy to the officer remitter crediting the money and send the third copy to the headquarters office of the Council. The Treasury Officer shall also send a monthly statement of receipts credited in the treasury, on account of Council's dues showing the number and date of each individual challan and the amount thereof to the Chief Executive Officer along with the triplicate copy of the challans where necessary."

6. In rules 81 and 82 of the said rules, after the words "the Chief Executive Officer", the words "or an officer authorised by him in this behalf" shall be inserted.

7. Rule 83 of the said rules shall be omitted.

8. For rule 87 of the said rules, the following rule shall be substituted, namely:—

- " 87. **Write off of irrecoverable dues or losses.**—(1) Irrecoverable dues or losses up to rupees one hundred in each case may be written off by the Chief Executive Officer.

- (2) where such amount exceeds rupees one hundred, but does not exceed rupees one thousand, the amount may be written off by the Chairman, and where it exceeds rupees one thousand, but does not exceed rupees two thousand by the Council and where it exceeds rupees two thousand, by the Council with the sanction of the Administrator:

Provided that the powers specified in this rule may be exercised by the authorities subject to the condition that—

- (a) the loss does not disclose a defect in rules or procedure the amendment of which requires the orders of higher authority or the Council; and
- (b) there has not been any serious negligence on the part of any employee of the Council which may call for disciplinary action by a higher authority."

9. After rule 87 of the said rules, the following rules shall be inserted, namely:—

"87-A. Write off of unserviceable goods, stores, livestock; etc., other than stores, and tools and plants belonging to the Engineering Department.—(1) Stores, articles and other goods and livestock, other than stores and tools and plants belonging to the Engineering Department, which are reported to be obsolete, surplus or unserviceable, may be disposed of by sale or otherwise under the order of—

- (a) the Principal Officers in charge of Health Services and Education, in respect of their departments, where the book value does not exceed rupees one hundred in any one case,
 - (b) the Chief Executive Officer, where the book value does not exceed rupees two hundred and fifty in any one case,
 - (c) the Chairman, where the book value does not exceed rupees one thousand in any one case,
 - (d) the Council, where the book value does not exceed rupees two thousand in any one case, and
 - (e) the Administrator, where the book value exceeds rupees two thousand in any one case.
- (2) Each order declaring such stores, articles and other goods and livestock, as obsolete, surplus or unserviceable shall record the full reasons for condemning them and how the condemned stores, articles or goods or livestock are to be disposed of, that is to say, by sale, public auction or otherwise. The Chief Executive Officer or the Principal Officer concerned should further record full particulars regarding all condemned stores, articles, goods and livestock in suitable list from which their disposal can be watched.
- (3) Notwithstanding anything contained in the foregoing provisions of this rule, the Administrator shall be competent, and shall be deemed always to have been competent to write off such stores, articles and other goods and livestock for the period from the date of their transfer to the Council to the date of commencement of the Territorial Councils (Amendment) Rules, 1962.

87-B. Write off of stores and tools and plants belonging to the Engineering Department.—(1) In regard to stores and tools and plants belonging to the Engineering Department, the provisions of paragraph 158 of C.P.W.D. Code (Revised edition 1959) shall continue to apply. All cases beyond the powers delegated to the Executive Engineer under the Code shall be referred to the Administrator for orders.

(2) Notwithstanding anything contained in this rule, the Administrator shall be competent, and shall be deemed always to have been competent, to write off stores and tools and plants belonging to the Engineering Department for the period from the date of their transfer to the Council to the date of commencement of the Territorial Councils (Amendment) Rules, 1962.”

10. For rule 92 of the said rules, the following rule shall be substituted, namely:—

“92. Administrative approval for works.—(1) No original work shall be undertaken on behalf of the Council until administrative approval has been accorded to the work by the Chairman, in the case of a work not exceeding Rs. 5,000 in value and subject to the provisions of rule 93, by the Council in all other cases.

(2) The Chairman or the Council, as the case may be, shall not accord administrative approval to any work unless estimates and plans have been approved by the authority specified in rule 94.

(3) Before according such administrative approval to any work, the Chairman, the Council or the Administrator as the case may be, shall satisfy himself for itself that—

(a) funds for the execution of the work are available, and

(b) funds are likely to be forthcoming annually for maintenance after completion of the work,”

11. For rules 94 to 96 of the said rules, the following rules shall be substituted, namely:—

“94. No work to be executed without proper sanction.—No work shall be executed on behalf of the Council until detailed estimate of its cost has been prepared in the prescribed form together with the necessary plans, and technical sanction thereto has been accorded by the Principal Officer in charge of Engineering. Where the cost does not exceed Rs. 50,000 and by the Administrator, where the cost exceeds Rs. 50,000. Subject to the provisions for rule III, the expenditure sanction for all works shall be accorded by the Council.

95. Schedule of rates.—Every estimate shall be framed according to the Schedule of Rates prescribed for the public works in the Union Territory concerned by the Central Government or any officer or authority authorised by it.

96. Tenders.—(1) No tender shall be called for if the work is undertaken by the Council departmentally.

(2) Subject to the provisions of sub-rule (1), no work exceeding Rs. 5,000 in value shall be allotted except on the basis of tenders.

- (3) All tenders shall be opened by the Principal Officer in charge of Engineering, Executive Engineer, or an Assistant Engineer or by any other officer authorised by the Council in this behalf and thereafter the tenders shall be accepted by the following authorities:—
- (i) Tenders upto Rs. 5,000—Assistant Engineer.
 - (ii) Tenders upto Rs. 50,000—Principal Officer in charge of engineering, Executive Engineer.
 - (iii) In all other cases, Council with previous approval of the Administrator.
- (4) Where no tender is received in spite of calls, the work shall be allotted by the Council on the basis of negotiation and with the previous approval of the Administrator where the cost exceeds Rs. 50,000:

Provided that before invoking this sub-rule tenders shall have been called for at least twice after giving, on each occasion, notice of not less than three weeks."

12. In rules 106 and 108 of the said rules, the word "permanent" shall be omitted.

[F. No. 26/32/59-SR (R)]

K. R. PRABHU,
Deputy Secretary
to the Government of India.